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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TIMOTHY CRAIG, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 08-0329 JSW

**MOTION TO FILE ATTACHMENT TO  
JONES DECLARATION UNDER SEAL;  
and [proposed] ORDER**

Hearing Date: September 25, 2008  
Time: 2:30 p.m.

1 The United States moves to file under seal "Image #223," which is referenced in the  
2 Declaration of Detective Joseph Jones and in the briefs on the defendant's Motion to Suppress.  
3 The basis for this Motion is that 18 U.S.C. § 3509(m) requires "any property or material that  
4 constitutes child pornography" to remain in the care, custody, and control of either the  
5 Government or the Court. Accordingly, the United States is not serving a copy of the image on  
6 defendant's counsel. The image previously has been made available to defendant's counsel  
7 within the restrictions of 18 U.S.C. § 3509(m).

8 For these reasons, the United States respectfully requests permission to file Image #223  
9 under seal. A Proposed Order is filed with this Motion.

10  
11 Respectfully submitted,

12 Dated: August 27, 2008

13 JOSEPH P. RUSSONIELLO  
14 United States Attorney

15 /s/ Nat Cousins  
16 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that I filed this Motion and Proposed Order electronically on August 27, 2008, through the Electronic Case Filing portal of the U.S. District Court, Northern District of California. Under N.D. Cal. Local Rule General Order 45, all counsel appearing in this matter will receive an electronic copy of this filing. As set forth in the Motion, a copy of the material to be sealed (Image #223) has not been served on defense counsel.

Dated: August 27, 2008

/s/ Nathanael M. Cousins

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
TIMOTHY CRAIG,  
Defendant.

No. CR 08-0329 JSW

**[proposed] SEALING ORDER**

Hearing Date: September 25, 2008  
Time: 2:30 p.m.

For good cause shown, the Government's Motion to File Attachment to Jones Declaration Under Seal is ordered GRANTED. The materials identified as "Image #223" shall be filed under seal and shall remain in the "care, custody, and control" of the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge  
Hon. Jeffrey S. White